

APPEAL NO. 020373
FILED APRIL 1, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on January 14, 2002. With respect to the issues before her, the hearing officer determined that the appellant (claimant) is not entitled to supplemental income benefits (SIBs) for the first and second quarters and that the carrier would be relieved from liability for the payment of second quarter SIBs from July 19 through October 4, 2001, because of the claimant's late filing of his Application for [SIBs] (TWCC-52) for that quarter. In his appeal, the claimant appeals the hearing officer's determination that he is not entitled to SIBs for the first and second quarters. In its response, the respondent (carrier) urges affirmance. The claimant did not appeal the determination that the carrier would be relieved from liability for the payment of second quarter SIBs; thus, that determination will not be considered on appeal.

DECISION

Affirmed.

At issue in this case is whether the claimant satisfied the good faith requirement for SIBs entitlement by establishing that he had no ability to work during the qualifying periods corresponding to the first and second quarters pursuant to Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102(d)(4) (Rule 130.102(d)(4)). The hearing officer determined that the claimant failed to meet his burden of proof under Rule 130.102(d)(4) because he did not provide a narrative from a doctor that specifically explains how his compensable injury caused a total inability to work and because another record shows an ability to work. Nothing in our review of the record reveals that the hearing officer's determinations in that regard are so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to reverse those determinations, or the determination that the claimant is not entitled to SIBs for the first and second quarter, on appeal. Pool v. Ford Motor Co., 715 S.W.2d 629 (Tex. 1986); Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **TEXAS PROPERTY AND CASUALTY INSURANCE GUARANTY ASSOCIATION for Reliance National Indemnity Company, an impaired carrier** and the name and address of its registered agent for service of process is

**MARVIN KELLY, EXECUTIVE DIRECTOR
TEXAS PROPERTY AND CASUALTY INSURANCE GUARANTY ASSOCIATION
9120 BURNET ROAD
AUSTIN, TEXAS 78758.**

Elaine M. Chaney
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Philip F. O'Neill
Appeals Judge